

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

YOLANDA DIAZ,)	
)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	
v.)	
)	[Removed from
)	The Superior Court of
WAL-MART STORES EAST, LP)	Henry County;
)	Civil Action File No.
)	SUCV2022003016]
Defendants.)	

NOTICE OF REMOVAL

Defendant WAL-MART STORES EAST, LP, by and through counsel, within the time prescribed by law, and without waiving any defenses, file this Notice of Removal, respectfully showing this Honorable Court, as follows:

1.

Plaintiff Yolanda Diaz filed a negligence suit against the Defendants in the Superior Court of Henry County, Georgia styled as above and numbered as Civil Action File No. SUCV2022003016. Henry County is in the Atlanta Division of this Court. 28 U.S.C. § 90 (a)(2).

2.

Upon information and belief, Plaintiff is a citizen of the State of Georgia. (See Complaint at ¶ 4, attached hereto as Exhibit "A.")

3.

Defendant Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the sole general partner and WSE Investment, LLC is the sole limited partner. Both WSE Management, LLC and WSE Investment, LLC are Delaware limited liability companies with principal places of business in Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is an Arkansas limited liability company with its principal place of business in Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas. As such, Walmart Stores East, LP and none of its partners are or were citizens of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit, or at any time thereafter.

4.

Complete diversity of citizenship exists between Plaintiff and Defendants.

5.

Defendant Wal-Mart Stores East, LP received service of summons and a copy of the Complaint on December 14, 2022.

6.

Defendant has timely removed this case pursuant to 28 U.S.C. §1446(b)(1) which provides that the “notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based” This Notice of Removal is filed within thirty days of the service of Plaintiff’s Complaint upon Defendant on December 14, 2022

7.

Plaintiff alleges incurred medical expenses of \$102,580.77. (Ex. A, *Compl.*, pp. 3-4, ¶ 14)

8.

Accordingly, the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332.

9.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00.

10.

Pursuant to 28 U.S.C. § 1446, Defendants have attached as Exhibit “A”

copies of all process, pleadings and Orders that were served on and/or provided to Defendant, including copies of all pleadings that have been filed to date in the Superior Court of Fulton County, Georgia for the above-styled case.

11.

Pursuant to 28 U.S.C. §1446, Defendant is not required to file a removal bond.

12.

A true and correct copy of this Notice of Removal shall be filed with the Clerk of the Superior Court of Henry County, as required by 28 U.S.C. §1446.

13.

Written notice of the filing of this Notice of Removal shall be given to all Parties, through their counsel of records, as required by 28 U.S.C. §1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit would be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division.

This 13th day of January, 2023.

WALDON ADELMA CASTILLA
HIESTAND & PROUT

/s/ Casey J. Brown
Jonathan M. Adelman
Georgia Bar No. 005128
Casey J. Brown
Georgia Bar No. 757384
Attorneys for Defendant Wal-Mart
Stores East, LP

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
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cbrown@wachp.com

CERTIFICATE OF COMPLIANCE

On this date, the undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court pursuant to Local Rule 5.1B. The foregoing pleading has been prepared in 14-point Times New Roman font.

This 13th day of January, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Casey J. Brown
Jonathan M. Adelman
Georgia Bar No. 005128
Casey J. Brown
Georgia Bar No. 757384
Attorneys for Defendant Wal-Mart
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CERTIFICATE OF SERVICE

I hereby certify that, on this the *13th* day of January, 2022, I electronically filed the foregoing *Notice of Filing of Notice of Removal to Federal Court* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Jessica L. Eisenhower
The Law Office of J.L. Eisenhower, LLC
P.O. Box 88550
Dunwoody, Georgia 30356

This 13th day of January, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Casey J. Brown
Jonathan M. Adelman
Georgia Bar No. 005128
Casey J. Brown
Georgia Bar No. 757384
Attorneys for Defendant Wal-Mart
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